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DISTRICT COURT OF GUAM

JAN - 8 2007 mba

MARY L.M. MORAN
CLERK OF COURT

DISTRICT COURT OF GUAM

TERRITORY OF GUAM

JULIE BABAUTA SANTOS, *et. al.*,

Petitioners,

-v-

FELIX P. CAMACHO, *et. al.*

Respondents.

Civil Case No. 04-00006

**AMENDMENT TO THE JOINT
MOTION OF THE *SANTOS* AND
TORRES PARTIES FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT
AGREEMENT**

CHARMAINE R. TORRES, *et al.*,

Plaintiffs,

-v-

GOVERNMENT OF GUAM, *et al.*,

Defendants.

Civil Case No. 04-00038

MARY GRACE SIMPAO, *et al.*,

Plaintiffs,

-v-

GOVERNMENT OF GUAM,

Defendant.

-v-

FELIX P. CAMACHO, Governor of Guam,

Intervenor-Defendant.

Civil Case No. 04-00049

ORIGINAL

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1 Consistent with the agreement made by the *Santos* and *Torres* parties at the January 4,
2 2007 hearing, the undersigned parties hereby amend their motion for preliminary approval of
3 their settlement by amending the definition of the class that will be covered by the settlement to
4 include:

5 All persons who do not elect to request exclusion from the class under the
6 procedures described below and: (1) were subject to the Guam Territorial Income
7 Tax ("GTIT") established in 48 U.S.C. § 1421i for tax years 1995-1996 and/or
8 1999-2004 and would have been eligible to file for the EIC established in 26
9 U.S.C. § 32 (as it applied in each respective tax year) if that program were applied
10 in the Territory of Guam, and filed a timely tax return for the applicable tax year or
11 year(s) in which the credit is sought; and/or (2) were eligible to receive an EIC
12 credit under certain Guam territorial laws for tax years 1995-1996 and/or 1999-
13 2004 that mirrored the federal EIC law (26 U.S.C. § 32), including the Guam
14 Earned Income Program (Chapter 42 of 11 G.C.A.), and filed a timely tax return
15 for the applicable tax year or year(s) in which the credit is sought; and/or (3)
16 actually filed a claim for the EIC with DRT for tax year 1998 under the GTIT or
17 Guam Earned Income Program (Chapter 42 of 11 G.C.A.) on or before April 15,
18 2002, and have not yet received full payment for that claim; and/or (4) actually
19 filed a claim for the EIC with DRT for tax year 1997 under the GTIT or Guam
20 Earned Income Program (Chapter 42 of 11 G.C.A.) on or before April 16, 2001
21 and have not yet received full payment for that claim.

22 Based upon this amendment to the class definition, the *Santos* and *Torres* parties respectfully
23 request that preliminary approval be granted.

24 Respectfully submitted this 8th day of January, 2007.

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